

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY DEFRANCO,
Plaintiff,

C.A. No. 04-230 Erie

v.

WILLIAM WOLFE, et al.,
Defendants

DECLARATION UNDER PENALTY OF LAW

I, William Barr, declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. My name is William Barr. I am employed by the Pennsylvania Department of Corrections (DOC) as the Assistant to the Superintendent of the State Correctional Institution at Albion, Pennsylvania (SCI-Albion). There are currently 2230 inmates at SCI-Albion.

2. The basic purpose of facility management is the care, custody, and control of inmates. The security measures in place at Department of Corrections facilities are intended to provide public safety, a safe environment for inmates as well as for the institutional staff.

3. The DOC uses a standard classification system to determine an inmate's custody level and program code. Each level specifies the restrictions or freedoms that apply to inmates at a particular level. This system is also used to

determine which facility an inmate will be placed in and to place inmates in a housing unit. If an inmate maintains proper behavior, he will generally be assigned to less restrictive housing. Attached to this affidavit is an overview of the Classification System Custody levels and Program Codes.

4. Inmate DeFranco was committed on 04/22/95 for CC2501, criminal homicide and is serving a life sentence. He has been incarcerated at SCI-Albion since 10/20/99. Inmate DeFranco received a misconduct, #A0294324, for threatening to kill corrections officer Fry and was placed in restricted housing. Inmate DeFranco pled guilty of the charge. He was place in the Restricted Housing Unit pending transfer. Several members of the DeFranco family called the institution and pleaded with me to keep him here rather than transfer him. I spoke to the corrections officer in question to see if he felt a transfer to another facility was warranted. He asked that we separate inmate DeFranco to a part of the facility that he did not work in. After discussion among the administrative staff, it was determined that we would continue to house inmate DeFranco at SCI-Albion and separate him from the officer by housing assignment.

5. As of October 22, 2004, inmate DeFranco was classified as a custody level 3, with a program code of Y. Under this classification, inmate DeFranco requires a medium

level of supervision, and was housed in a two person cell in general population.

6. An inmate's classification is reviewed annually. The classification review is conducted by his counselor's review and meeting with the inmate utilizing the Pennsylvania Additive Classification Tool (PACT) as outlined in the attachment 11.2.1, Section 3. A vote sheet is prepared by counselor to review Z code status annually. The committee consists of Counselor, Unit Manager, three (3) regular housing unit officers, Psychologist, Program Manager, Major, Deputy of Facility Management, and Deputy of Centralized Services. The vote sheet is then sent to the institution superintendent. The superintendent considers the recommendation of the committee, as well as the information that was presented to the committee, and makes his/her own decision.

7. Due to his misconduct against Officer Fry, inmate DeFranco was classified as level 4 YZ from 03/26/02 until 06/24/02. On 06/24/02, his classification level was changed from 4YZ to 4Y. At his review on 05/01/03, it was changed to 3Y and continued until 11/03/04. On 11/03/04 the Z code was added when inmate DeFranco showed the court order from Judge Paradise Baxter to Mr. Skendall.

8. At the time of inmate DeFranco's classification change lifted his Z code status, inmate DeFranco had

demonstrated through his everyday behavior, as witnessed by his Unit Manager, his counselor, unit officers, that he could interrelate with other inmates without being disruptive, and that he was not threatening to other inmates nor to himself. Furthermore, inmate DeFranco was provided ongoing medical treatment, which included therapy sessions and medication.

9. Since 06/24/02, inmate DeFranco has been housed in a two person cell, and has shared that cell with ten (10) different cellmates. In the last 29 months, inmate DeFranco has not presented any threat to any of his cellmates, nor has inmate DeFranco been a disruption to the order of his cellblock. Furthermore, inmate DeFranco continues to receive the following treatment, Nitroglycerin (for chest pain), aspirin (blood thinning), Lopressor (high blood pressure), Valium (anxiety). He is seen by the Psychiatrist every 4-6 weeks since March 2004. In 2003 he was seen quarterly. In 2002 he was seen roughly every 6 weeks. His Prescriptive Program Plan includes Alcohol and Other Drug Education, Long Term Offenders, and Violence Prevention.

10. SCI-Albion has 95 cells in which inmates with Z-Code status can be housed. Of those, as of October 22, 2004, all were occupied (and continue to be occupied) with other inmates with a Z-Code status. Inmates that are sexual predators, assaultive, physically handicapped, and mentally challenged are

assigned to the single cells. Each inmate is reviewed on an annual basis to determine if the single cell status warrants continuance. If the review shows significant progress, the inmate will have the Z code lifted. Inmate DeFranco is currently Z coded in a single cell. Inmate DeFranco presented his papers from Judge Paradise Baxter to his Unit Manager, Mr. Skendall. Mr. Skendall approached an inmate regarding moving to a higher custody level unit and the inmate refused to make the move. That placed the inmate in violation of the direct order given and he was sent to the Restricted Housing Unit for disobeying a direct order. That action freed up a single cell to place inmate DeFranco in.

11. Since 06/24/02, inmate DeFranco has filed one (1) grievance in regards to a problem he had with a staff member. The matter was resolved at initial review. Inmate DeFranco has never grieved his classification, nor has he grieved his medical treatment. Inmates are allowed, permitted, to grieve their classification

12. Following the telephone conference that was conducted on October 22, 2004, I did engage in a short conversation with inmate DeFranco. This conversation was witnessed by Acting Corrections Health Care Administrator, Sueane Rebele. Specifically, the following was said, I explained to inmate DeFranco that we look at the Department as a

whole when looking for bed space, rather than an individual facility. I went on to explain that if he was given a Z code we could not guarantee that the cell would be at SCI-Albion. I explained that the single cell could be, for instance, at SCI-Dallas. To the extent that I made reference to SCI-Dallas, that was not said in any way to communicate a threat. It was nothing more than an observation of the reality of the situation at that time. To the extent that inmate DeFranco asserts that I specifically testified that there existed an opening within the Z-Code cells that he could move into without displacing any other inmate, that is simply not true. I do not recall testifying in that regard at all, and can only assume that what was said by me may have been misinterpreted by inmate DeFranco. On the date of the telephone conference, there was no opening in a Z-Code cell at SCI-Albion, nor is there one today.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this date. 28 U.S.C. § 1746.

Date: 11-08-04

William Barr

William Barr

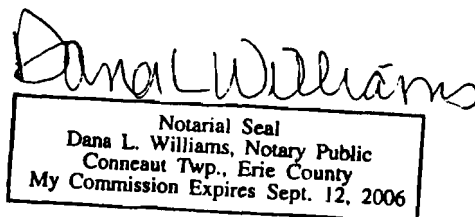


Exhibit 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY DeFRANCO,)	
)	
Plaintiff,)	
)	Civil Action No. 04-230-ERIE
V.)	
)	Judge Maurice B. Cohill, Jr.
SUPERINTENDENT WILLIAM WOLF;)	Mag. Judge Susan P. Baxter
STEVE REILLY; DENESE BRUNNER;)	
MANAGER ROD SHOWERS; CASE)	
MANAGER GECAC JUDY JACKSON;)	
DR. JOHN DOE; JANE DOE;)	
JEFFREY BEARD; ASSIST. SUPER.)	
WILLIAM BARR; MARILAND)	
BROOKS,)	
Defendants.)	

DECLARATION OF WILLIAM BARR

I, William Barr, declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. I am employed by the Pennsylvania Department of Corrections (DOC) at SCI-Albion. I assumed the position of Corrections Food Service Manager in May 2006. I was the Assistant to the Superintendent and Facility Grievance Coordinator at SCI-Albion from 2001 to mid-2006, and continue to serve as Acting Assistant and Acting Grievance Coordinator.

2. I filed a Declaration in this case dated November 8, 2004. I stand by the statements in that Declaration and incorporate it herein by reference.

3. As Assistant to the Superintendent and as Grievance Coordinator, I had substantial direct contact with inmates, including inmate DeFranco. In addition to

coordinating the grievance process, I personally handled information requests, assisted inmates with their problems and concerns, and dealt with family questions and issues.

4. Over the years, I had many positive dealings with inmate DeFranco and assisted him with numerous grievances, property issues, disputes with staff, and even transfers. For example, DeFranco received a misconduct (#A0294324) for threatening to kill a corrections officer and was placed in the Restricted Housing Unit pending transfer on March 24, 2002. Several members of his family called and pleaded with me to keep him at Albion. I spoke with the corrections officer in question about keeping DeFranco here at SCI-Albion, and after further discussion with the administrative staff, it was determined that he would continue to be housed at SCI-Albion and be separated from the officer by housing assignment.

5. I provided testimony in the course of a telephone hearing before the Court on October 22, 2004 in connection with DeFranco's TRO seeking immediate Z-Code status. In response to the Magistrate Judge's questions about whether there is a quota system for Z-code cells, I answered: "No. We can actually shift Mr. DeFranco to a Z-code cell if necessary." (10/22/04 Hrg. Tr. at 22.)

6. The issue of whether this inmate could or would be transferred was not addressed during the hearing on October 22, 2004. I simply advised the Court that we could shift DeFranco into a single cell if necessary. In making that response, my intent was to explain what could be done at Albion on a temporary basis, if so ordered by the Court. If the Court understood my response to suggest anything else, i.e., that Albion had a permanent Z-code cell opening, I regret not being clearer.

7. When DeFranco showed us the Court Order which granted the TRO and ordered a Z-code, which happened on or about November 3, 2004, we added the Z-code to his classification. All Z-code cells were still occupied, however. Accordingly, Unit Manager Skendall approached an inmate in one of the single cells regarding moving to a higher custody level unit. The inmate refused to make the move and was sent to the RHU for disobeying a direct order. This action was necessary to free up a single cell temporarily for DeFranco as I had promised the Court when I said “we can actually shift Mr. DeFranco to a Z-code cell if necessary.”

8. Following the hearing on October 22, 2004, I engaged in a short conversation with inmate DeFranco in the presence of our Health Care Administrator, Sueane Rebele. As referenced in my prior declaration, I explained that we consider the Department as a whole when looking for bed space, rather than the individual facility, and that if Mr. DeFranco would be given a Z-code, we could not guarantee it would be at SCI-Albion. I told him that the single cell could be, for instance, at SCI-Dallas. This was not intended to be a threat but simply an observation of the reality of the situation. As stated, when the order came to us, we only were able to place DeFranco in a single cell by displacing another inmate.

9. Mr. DeFranco misinterpreted my comments and filed another TRO Motion, claiming that I had threatened to transfer him “as a means of punishment for filing the lawsuit.” (Doc. #9.) He also indicated that he was presently drafting an Amended Complaint naming me as a defendant as a result of what he believed was a “direct threat.” He filed pleadings throughout the fall of 2004 and early 2005 in which he claimed that I had tampered with witnesses, made statements in a threatening and

upset tone, misrepresented and manipulated the truth, and was part of a conspiracy to alter the truth. (Doc. #'s 21, 24.)

10. Inmate DeFranco seemed to become more and more obsessive in his allegations and focus upon my statements and actions. I grew concerned that Mr. DeFranco would not be able to accept any decision or recommendation by me or other staff, particularly in the grievance context. I believed that my effectiveness could be compromised, particularly as grievance coordinator, as DeFranco would inevitably view my actions (and the grievance process itself) as tainted or the product of a conflict of interest. Thus, I requested an Administrative/Separation Transfer in mid-February 2005.

11. This transfer request was not intended to punish or retaliate against DeFranco for filing his lawsuit or pursuing his claim for Z-Code status. Rather, because of DeFranco's irrational mindset and obsessions with my role and decisions (which DeFranco had developed in preceding months), I believed that DeFranco would never believe that he was getting a fair shake at SCI-Albion. In my view, the transfer request would allow him to start fresh and pursue his concerns in a setting free of what he perceived to be conflict of interest and conspiracy.

12. Ultimately, a decision was made to allow DeFranco to return to SCI-Albion as a reasonable means of resolving DeFranco's grievance concerning the transfer and his related motions in this federal court proceeding. I had no objection to that course of action. However, I believed then and now that my concerns about DeFranco's well-being, and about the integrity and effectiveness of the grievance process at SCI-Albion, were legitimate and warranted the transfer request.

I declare under penalty of perjury that the foregoing is true and correct, per 28 U.S.C. § 1746.

Date: 7-19-06

William Barr

William Barr

Exhibit 3

DC-48 (Rev. 7/95)		VOTE SHEET		Commonwealth of Pennsylvania Department of Corrections/SCI Albion	
Facility SCI-Albion	Date 2-7-00	Number CZ3518	Name Anthony DeFranco	Cus. Lev.& Code(s) 3Y	
Purpose	Z code	YES	NO	COMMENTS	
Counselor	Kaufman	✓		per psych recommendations - inmate complies w/ facility and previous threat of needs (M.H.)	
Work Supervisor					
Corrections Officer	Fisher	✓	✓	Inmate appears to live with his current cell mate without a problem. Z code needed	
Psychologist	Reilly	✓		Highly recommended due to stress levels	
Unit Mgr., Couns. Supv., CCC Dir.		✓		Appears to be suffering from anxiety, cellmate claims he does not sleep.	
Inmate Program Mgr. Mr. Boeh		✓		Per Mr. Reilly's assessment & staff support	
Major Neiswonger		✓		PER Psych Recommendation	
Votes Recorded					
STAFF RECOMMENDATIONS SCIP 4-19-96 → W/DCC SCIP 7-26-96 → SCIA 10-20-96 36-yr old male serving life for Criminal Homicide/Murder 2°. No Misconducts, 1 Detainer from Erie County for Simple Assault with a sentence 12 months-24 months. Staff for Z code according to Steve Reilly, Psychology, recommendations.					
Deputy-Centralized Services Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>					
Deputy-Facility Management Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					
Comments			Comments		
Per psych recommendation ULK			Concur with Officer Fisher. No apparent problem before he arrived. Wop Marguard		
Superintendent			Approved <input checked="" type="checkbox"/> Disapproved <input type="checkbox"/>		
Comments					
Oppose Z code VLF for CT Bienne					

DC-46 (Rev. 7/95)		VOTE SHEET		Commonwealth of Pennsylvania Department of Corrections/SCI Albion	
Facility SCI-Albion	Date 6/24/02	Number CZ-3518	Name Anthony DeFranco	Cus. Lev. & Code(s) 4YZ	

Purpose Annual Review for			
Z Code continuation	YES	NO	COMMENTS
Counselor J. Jackson		✓	Does not meet criteria for 2-Code. Manipulated ALBION staff upon his arrival. History of
Work Supervisor			incarcerations did not necessitate a 2 Code. Inmate
Corrections Officer			Since '96 w/ no misconduct on record. High levels of
Psychologist Ms. Eichenlaub		✓	stress does not meet 2 code criteria. (See Psych Eval)
Unit Manager R. Showers		✓	Does not meet 2-code criteria.
Inmate Program Mgr. B. Boeh		✓	No need for 2 Code. Manipulative, Psych. Ref. Indicates medication is appropriate to handle psych issue
Major Gates	✓	✓	Psychologist does not recommend and staff do not support.
Lt.			Per Psych
Votes Recorded			

STAFF RECOMMENDATIONS SCI-Pittsburgh 4/19/96 → SCI-Albion 10/20/99

SERVING: Criminal Homicide/Murder 2nd Degree

MINIMUM: Life **MAXIMUM:** Life

DETAINERS: 93-Erie County Simple Assault 12-24 months

MISCONDUCTS: 3/26/02, A-15 Threaten an Employee Received 45 DDC and removal from job

ESCAPE HISTORY: 83-Escape conviction Erie County

PRIORS: Escape, VCSDD & CA, Burglary, Retail Theft, Theft by Unlawful Taking, Firearm Carried Without License, Criminal Conspiracy, Criminal Attempt, and Corruption of Minors

PROGRAMS: He completed Peer Instructor Training for Citizenship on 5/13/01. He is on the waiting list for vocational training, Long Timers, and Drug/Alcohol Education Classes. Attend self-help groups

Deputy-Centralized Services	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Deputy-Facility Management	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Comments Agree with shall not receive for denial of 2 code		Comments No need. Does not meet criteria	
Superintendent		Approved <input checked="" type="checkbox"/> Disapproved	
Comments		Bruce T. Marguardt Dep Supt for WJW	

DC-46 Rev. 6/00			Commonwealth of Pennsylvania Department of Corrections	
VOTE SHEET				
Facility	Date	Number	Name	Custody Level & Code(s)
SCI-Albion	3-10-04	CZ-3518	DeFRANCO, Anthony	3Y
PURPOSE: Z-Code		YES	NO	COMMENTS
Counselor -Karla Webb		<input checked="" type="checkbox"/>		Inmate has increased agitation with cellies and 1.6 sentence very paranoid - agree to Dr. Lindenmuth
Work Supervisor				
Corrections Officer-Malec				
Corrections Officer -Coll				
Psychologist <i>B. L. L.</i>		<input checked="" type="checkbox"/>		Anxiety disorder, persistent stress
Unit Manager Mr. Skendall			<input checked="" type="checkbox"/>	I do not agree that inmate DeFranco needs to be 2-coded. He has successfully resided on P.I.T. for several months.
Corrections Classification Program Manager Mr. Bryant			<input checked="" type="checkbox"/>	Concur with comments. STRESS will be ongoing
Major Colvin			<input checked="" type="checkbox"/>	Concur w/ P.D.
Zone Lt.				
Votes Recorded				
STAFF RECOMMENDATIONS: SCI-Pittsburgh-4/19/96 ► SCI-Albion-10/20/99				
SENTENCED: A 40 year old married male serving a Life sentence for Criminal Homicide from Erie County.				
Minimum Date: Life		Maximum Date: Life		Detainers: 1-Erie County for Simple Assault.
Escape History: 83 Escape conviction Erie County.				
Misconducts: Total 5. Last being 3/02 for Threatening an Employee=45 DC				
Prior Criminal History: Juvenile: REAP and Defiant Trespass Adult: Escape, Theft By Unlawful Taking, VCSDD&A, Burglary, Retail Theft, Aggravated Assault, Simple Assault, Corruption of Minor, CC-Criminal Attempt, Reckless Driving, and Disorderly Conduct.				
Programs: Peer leader for Citizenship. He is employed in the Library.				
** Z-Code due to extreme Anxiety Disorder and Panic Disorder. Dr. Lindenmuth requests re-evaluation for Z-Code due to the increased Anxiety, etc. <i>Lindenmuth</i>				
Pact as Custody Level 3Y				
Deputy - Centralized Services YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		Deputy - Facilities Management YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
Comments <i>Stress needs to be managed - case can be taken with assignment of cellmates. J Walker 3-17-04</i>		Comments <i>Do not feel he warrants single-cell status. Dep Maguardt 3-17-04</i>		
Signature of Facility Manager or DCC Director		APPROVED <input type="checkbox"/> DISAPPROVED <input checked="" type="checkbox"/>		
Comments		<i>Amoret Maguardt</i> <i>Dep Supt for WSA</i>		

DC-46 Rev. 6/00 VOTE SHEET			Commonwealth of Pennsylvania Department of Corrections		
Facility SCI-Smithfield	Date 4-18-05	Number CZ-3518	Name DEFRANCO, Anthony	Custody Level & Code(s) 3-YZ	
PURPOSE: Continue "Z" Code		YES NO	COMMENTS		
Counselor: K.J. Zimmerman CC2		X	Appears to adjust better with he single cell. PRT recommended		
Work Supervisor:					
Corrections Officer:					
Psychologist					
Unit Manager, Counselor Supervisor, CCC Director: F. Campopiano			<i>Code originally offered Feb 2000 for staff reasons. H. generally continue on administrative</i>		
Corrections Classification Program Manager: J. Whitesel		X			
PRT		X			
Housing Officers: AM: PM:					
Votes Recorded			DOC:4-19-96 SCIS:3-8-05 MIN: Life MAX: Life		
STAFF RECOMMENDATIONS: Anthony DeFranco, age 41, is serving a Life sentence for Criminal Homicide from Erie County. He was transferred to SCI-Smithfield from SCI-Albion on 3-8-05 on an ADM/SEP basis to separate him from William Barr, Superintendent's Assistant, due to litigation DeFranco filed against Mr. Barr. Mr. Barr did not want future potential problems between the inmate and future potential grievances. Prior to his arrival at SCI-Smithfield, SCI-Albion circulated a vote sheet on 3-10-04 for a "Z" code, and the Vote Sheet denied the "Z" code. In response to this, DeFranco filed a civil action against several SCI-Albion staff members. DeFranco has indicated that the "Z" code was ordered by the court to be assigned to him. A copy of a Magistrate Judge's Report and Recommendation in association with this action, is in his file, and under the Conclusion section of that document it indicates that it was the judge's recommendation that, "Defendants should be ordered to return Plaintiff to z-code status in a single cell at SCI-Albion immediately." Upon his arrival at SCI-Smithfield, a temporary "Z" code was assigned at IRC, and on 4-13-05, a PRT was held to determine his progress and whether to keep his "Z" code. The consensus of the PRT was that he keeps his "Z" code.					
Deputy - Centralized Services Victoria L. Kormanic Comments		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Deputy - Facilities Management Daryl I. Briggs Comments		
Signature of Facility Manager or DCC Director John A. Palakovich		APPROVED <input checked="" type="checkbox"/> DISAPPROVED <input type="checkbox"/>			
Comments		 4/25/05			

Exhibit 4

DC-804
Part 1COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

112276
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR <i>Super / Mr. Barr</i>	FACILITY: <i>ALBION</i>	DATE: <i>3/8/05</i>
FROM: (INMATE NAME & NUMBER) <i>Anthony DeFranco C2-3518</i>	SIGNATURE of INMATE: <i>[Signature]</i>	
WORK ASSIGNMENT: <i>[Blank]</i>	HOUSING ASSIGNMENT: <i>at SCI-Smithfield</i>	

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

This is in regards to a retaliatory transfer that I have been saying would happen for years - in which the Federal courts are aware. During a interview this past, it was told to me by SCI Smithfield officials that I was moved for making Mr. Barr a defendant, which created a "conflict of interest". The DOC has moved me approx. 4 hours away from home, just as I predicted on paper previously. As Mr. Barr knows, this court action is no reason to transfer me. He distributes almost all grievances filed to other staff to handle (which I can prove). So, moving me from my home jail was strictly retaliatory. which has cost my family considerable hardship. IT has cost me my top paying job, which has kept me surviving (money wise) in prison. As the DOC knows, when an inmate files suit on the Superintendent he is not automatically removed (and the Super. must review all grievance appeals). I am requesting my immediate return to SCI ALBION - in the meantime, I would like to keep my same inmate pay that I was receiving before this retaliatory transfer which has caused all this damage.

B. List actions taken and staff you have contacted, before submitting this grievance.

Spoke w/ SCI Smithfield officials who said this is why I was moved. no pay clerk job available now.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Facility Grievance Coordinator

Date

DC-804
Part 2

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001

OFFICIAL INMATE GRIEVANCE
INITIAL REVIEW RESPONSE

GRIEVANCE NO.

112276

TO: (Inmate Name & DC No.)	FACILITY	HOUSING LOCATION	GRIEVANCE DATE
DeFranco, Anthony CZ-3518	SCI Albion	B/B 49	3/15/05

The following is a summary of my findings regarding your grievance:

Mr. DeFranco has a formal separation in place from Mr. Barr. It is felt that based on pending litigation it is in the best interest of all parties that he not be housed at SCI-Albion. No inmate has the right to determine where he or she will be housed.

Inmate was not available for signature as he is currently at SCI-Smithfield.

RESOLVED: _____ DATE: _____
Inmate's Signature

UNRESOLVED: _____ DATE: _____
Inmate's Signature

cc: Original – Ms. McWilliams
Grievance Officer
Inmate
DC-15

WAB 3-29-05

Print Name and Title of Grievance Officer	SIGNATURE OF GRIEVANCE OFFICER	DATE
Ronald J. Bryant, CCPM	<i>Bryant</i>	3/28/05

WAB

APPEAL TO SUPERINTENDENT

To: Ms. Brooks, Superintendent

GRIEVANCE # 112276

April 7, 2005

This is an appeal of the grievance filed regarding my transfer and the reason Mr. Bryant used to uphold it. While normally, it is true that an inmate does not have an inherent right to determine where he will be housed, an inmate cannot be moved based upon filing a lawsuit, as a means to punish or show other inmates what will happen if they follow the same. There is a plethora of case law dealing with this subject. However, Mr. Barr is the person responsible for my transfer when he informed the court only recently that there were no plans on transferring me. This "formal separation", created by Mr. Barr was done because he was named a defendant in this lawsuit. There are numerous inmates still residing at Albion who actually named Mr. Barr as a defendant but were not transferred. I have been singled out and punished for asserting my rights.

If Mr. Barr feels he cannot function inside the same institution as I
me while litigation is pending than maybe he should not be working where he does. Lawsuits are an integral part of prison. Mr. Bryant's response is ambiguous at best. He simply states that an inmate has no right to be housed at a particular prison. But what he fails to state, if he wants to cite law, is that a prison cannot transfer an inmate based on his filing a lawsuit. That is a retaliatory action to "get back" at me. No one has stated what harm it would cause to have kept me at Albion, in my home region and not moved 240 miles away. I am requesting an immediate return to Albion; just as Mr. Barr informed the federal court.

Mr. Bryant has failed to reply to my request that I remain in the same pay I was receiving at the time of transfer. I want the same monthly pay, from the date of my transfer until this is over.

I DID NOT RECEIVE THE RESPONSE UNTIL THIS DATE AND HAVE THE MAILING ENVELOPE FROM ALEION SHOWING A POSTMARK OF 4/4/05.

ALSO THEY HAS BEEN NO RESPONSE TO GRIEVANCE #112277 (By MAJOR GIDDENS)

4/7/05

Anthony DeFranco CZ-3518
SMI-Smithfield
P.O. Box 999, 1120 Pike St.
Huntingdon, Pa. 16652

CC: federal Court
file

COMMONWEALTH OF PENNSYLVANIA
Department of Corrections
State Correctional Institution at Albion
(814) 756-5778
May 10, 2005

**SUBJECT: APPEAL TO SUPERINTENDENT
GRIEVANCE #112276**

TO: Anthony DeFranco
CZ-3518
SCI-Smithfield

FROM: 
Marilyn S. Brooks
Superintendent

I have reviewed the original grievance and the Grievance Officer's response.

I do not find an appeal on file for 112276. However, I will allow you to be returned to SCI-Albion in resolution of the grievance.

Your transfer back to SCI-Albion will be done as a routine transfer and will be done when it can be scheduled. In anticipation of property shipment, if you are over the allowable limit and it is shipped by means other than the DOC, payment for shipping will be your responsibility.

Upon return you will be housed according to your classification.

After thorough review and evaluation, I amend the Grievance Officer's decision.

MSB/ljm

cc: Deputy Harlow
Deputy Wilkes
Mr. Bryant
Superintendent's Assistant
DC-15
File

"Our mission is to protect the public by confining persons committed to our custody in safe, secure facilities, and to provide opportunities for inmates to acquire the skills and values necessary to become productive law-abiding citizens; while respecting the rights of crime victims"

Anthony DeFranco 02-3513
SCI-Sm .field
P.O. Box 999, 1120 Pike St.
Huntingdon, Pa. 16652

Chief, Secretary's Office of Inmate Grievances
Department of Corrections
2520 Lisburn Rd., P.O. Box 598
Camp Hill, Pa. 17001-0598

May 8, 2005

Re: APPEAL GRIEVANCE No. 112276

Dear Chief, this is my appeal of the above grievance. I received this date a reply from the superintendent claiming that she did not receive my appeal but went on to claim to have enclosed an "amendment that resolves the issue." (superintendent's letter, enclosed, dated May 4, 2005. There was no "amendment" enclosed with this reply so I am appealing to your Office. I have had continued trouble even receiving replies from SCI-Albion. Please find enclosed a copy of my grievance, response, the superintendent's reply (w/o the "amendment") and my appeal to you.

What happened to me was a retaliatory transfer. I filed a civil rights action (which continues). From the outset I informed the Court that Albion would transfer me to punish me for filing the lawsuit. The federal court placed a temporary restraining order on Albion to keep me there. However, after the superintendent's Asst. made a declaration that no such transfer was planned, I was transferred 8 days after the restraining order was lifted. The reply that was given to my grievance was that Mr. Barr (Super. Asst.) placed a formal separation in on me due to the litigation. Although I have not received a misconduct in almost 3 years and my behavior there was model over the almost past 3 years (and I was moved there due to my mother's health and my good behavior). I lost my .42 per hour job and have been moved 240 miles away from my family, who cannot see me as they want. I would like an immediate transfer back to Albion with my job back, at the same pay rate and to be compensated for the pay loss due to this move. It is fundamentally unfair to my family and myself to have moved me; especially so far from my family. There is no pressing reason to transfer me. Many inmates have lawsuit's going that do not get moved as I have. Staff are suppose to be responsible and mature enough to litigate without personalizing the matter. I ask that you have me returned to Albion, with my job the way it was; and to be compensated for the loss of money. Thank you for your fairness in this matter.

Sincerely,


Anthony DeFranco

Enclosures

COMMONWEALTH OF PENNSYLVANIA
Department of Corrections
Secretary's Office of Inmate Grievance's and Appeals
(717) 975-4954
May 17, 2005

SUBJECT: Grievance Correspondence-Grievance No. 112276(ALB)

TO: Anthony DeFranco, CZ3518
SCI Smithfield

C/A 16

FROM: Secretary's Office of Inmate Grievances & Appeals

This is to acknowledge receipt of your letter to this office. Upon review of your letter, it is the decision of this office to file your letter without action. You have failed to comply with the provision(s) of the revised DC-ADM 804 effective January 3, 2005.

In accordance with the provisions of the DC-ADM 804, VI D, 1g, a proper appeal to final review must include photocopies of the Initial Grievance, Initial Review, the Appeal to the Facility Manager, and the Facility Manager's decision with amendment. The text of your appeal(s) to this office shall be legible, presented in a courteous manner, and the statement of facts shall not exceed two pages.

Review of the record reveals that your appeal(s) is incomplete. You have failed to provide this office with the required documentation that relates to your appeal(s). You are not permitted to appeal to this office until you have complied with all procedures established in DC-ADM 804. **You have ten working days from the date of this memo to provide this office with documents needed to conduct final review. Any further correspondence from you regarding your appeal(s), which does not contain the required documents, will result in a dismissal of your appeal(s).**

/ms

cc: Supt. Palakovich
DC-15

Grievance Office
Central File

"Our mission is to protect the public by confining persons committed to our custody in safe secure facilities, and to provide opportunities to inmates to acquire the skills and values necessary to become productive law-abiding citizens; while respecting the rights of crime victims."

Anthony DeFranco C7-3518
SCI-Smithfield
P.O. Box 999, 1120 Pike St.
Huntingdon, Pa. 16652

Chief, Secretary's Office of Inmate Grievances
Department of Corrections
2520 Lisburn Rd., P.O. Box 598
Camp Hill, Pa. 17001-0598

May 23, 2005

Re: Grievance No. 112276 (Amendment)

Dear Chief;

Enclosed please find a copy of the Superintendent's Response (Amendment) dated May 10, 2005. Please be advised that while the "amendment" claims to "resolve" this grievance, I disagree. What was done to me was atrocious and illegal. Bringing me back to Albion is only step in this matter. I lost my prison job there; have had to pay shipping expenses; considerable telephone bills; loss of family visitation, just to name a few.

Thank you for your time and fairness in this matter.

Sincerely,

Anthony DeFranco

CC: enclosure